



BOARD OF PUBLIC WORKS & SAFETY JANUARY 5, 2006 MINUTES

Board member Warren Beville called the meeting to order at 8:30 a.m.

PRESENT:	Board members Warren Beville, Kevin Hoover; City Attorney Shawna Koons-Davis; Director of Engineering Paul Peoni; and Deputy Clerk Kathie Fritz. Mayor Charles Henderson was unable to attend.
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Mr. Hoover moved to accept the minutes of December 20, 2005 as presented. Second by Mr. Beville. Vote: Ayes.

Martin Sedgwick of Sedgwick Properties, LLC, on behalf of Precedent South Business Center, Section One, Block 4, Lot 4B, asked for acceptance of improvements, acceptance of maintenance bonds and release of performance bonds. Mr. Peoni noted that a final field inspection shows all items being asked for acceptance or acknowledgement appear to have been satisfactorily installed. The Engineering Department has received acceptable mylar as-builts. Mr. Hoover moved to:

- 1) Accept the street improvements in the public right-of-way at Precedent South Business Center, Section One, Block 4, Lot 4B.
- 2) Accept a three (3) year maintenance guarantee in the amount of \$2,257 for the street improvements in the public right-of-way.
- 3) Release performance Letter-of-Credit (LOC) #190001026 in the amount of \$11,282.70 from Heartland Community Bank for the installation of the street improvements in the public right-of-way at Precedent South Business Center, Section One, Block 4, Lot 4B.
- 4) Acknowledge that the private improvements of dirtwork, storm sewers and erosion control have been installed in reasonable compliance with the approved design plans for Precedent South Business Center, Section One, Block 4, Lot 4B.
- 5) Release performance LOC #190001028 in the amount of \$28,725.35 from Heartland Community Bank for the installation of the private dirtwork, storm sewers and erosion control at Precedent South Business Center, Section One, Block 4, Lot 4B.
- 6) Release performance LOC #190001027 in the amount of \$906.40 from Heartland Community Bank for the installation of the signs and monuments at Precedent South Business Center, Section One, Block 4, Lot 4B. There were actually no signs and monuments required for this project. This guarantee was posted in error. All this subject to:
 - a. Receipt of the three (3) year maintenance bond stated in #2 above.
 - b. Review and approval of the three (3) year maintenance bond by both the Engineering and Law departments.

Second by Mr. Beville.

John Grimes of Projects Plus came forward to discuss Greenwood Commons, Section 7 and ask for acceptance of the remaining sidewalks and release of the performance bond. Mr. Peoni's memo indicated that the original performance bond for these sidewalks has been in place since 1996. Mr. Grimes requested that they not be required to post a maintenance bond, since the sidewalks have been in place past the three-year maintenance period. All sidewalks being asked for acceptance appear to have been satisfactorily installed, noted Mr. Peoni. All needed repairs have been completed. Mr. Hoover, per Mr. Peoni's memo, moved to:

- 1) Accept the sidewalks on lots 333, 334, 337 and 338 in Greenwood Commons, Section 7.
- 2) Release performance bond #50601 w/rider in the amount of \$1,981 for the installation of the sidewalks on lots 333, 334, 337 and 338 in Greenwood Commons, Section 7.
- 3) Waive the requirement for the maintenance bond for the sidewalks listed above.

Second by Mr. Beville. Vote: Ayes.

Mr. Grimes described the same type of request for Greenwood Commons, Section 8, where the sidewalks had been in place for several years and some had not been accepted. He asked for

acceptance of the remaining sidewalks, release of the performance bond and asked for a waiver of the maintenance bond requirement. Mr. Peoni's memo indicated that a final field inspection showed all sidewalks being asked for acceptance appear to have been satisfactorily installed. All repairs that were needed have been completed. The original performance bond has been in place since 1996. Mr. Hoover moved to:

- 1) Accept the sidewalks on lots 298, 299, 300, 302 and 306 in Greenwood Commons, Section 8.
- 2) Release performance bond #50604 w/rider in the amount of \$3,460 for the installation of the sidewalks on lots 298, 299, 300, 302 and 306 in Greenwood Commons, Section 8.
- 3) Waive the requirement for a maintenance bond on the sidewalks listed above.

Second by Mr. Beville. Vote: Ayes.

For Meadow Lakes, Section 5, Mr. Grimes recounted that this section was built in 1996 and again there was not a request years ago for a final inspection needed to accept the sidewalks and release the performance bond. Mr. Grimes asked that the Board accept the sidewalks, release the performance bond and waive the requirement for a maintenance bond. Mr. Peoni's memo indicated that a final field inspection showed all sidewalks being asked for acceptance appear to have been satisfactorily installed. All repairs that were needed have been completed. Mr. Hoover, per Mr. Peoni's memo, moved to:

- 1) Accept the sidewalks on all lots in Meadow Lakes, Section 5.
- 2) Release performance bond #90956 w/rider in the amount of \$31,449 for the installation of the sidewalks on all lots in Meadow Lakes, Section 5.
- 3) Waive the requirement to post a maintenance bond for the sidewalks on these lots.

Second by Mr. Beville. Vote: Ayes.

With respect to Crooked Bend, Section 5A, Mr. Grimes explained that they are going with a different bonding company and are asking that letters-of-credit (LOC's) from Caden Financial Corporation be accepted in place of the old performance LOC's. The amounts and improvements shown on the new performance LOC's are correct and their form has been approved by the City Attorney. Mr. Hoover then moved to:

- 1) Accept performance Letter-of-Credit (LOC) #MSS-026-05 from Caden Financial Corporation in the amount of \$9,968.75 for the installation of the asphalt surface and tack coat at Crooked Bend Subdivision, Section 5A.
- 2) Release performance LOC #04-05 from Irwin Union Bank in the amount of \$9,968.75 for the installation of the asphalt surface and tack coat at Crooked Bend Subdivision, Section 5A.
- 3) Accept performance LOC #MSS-027-05 from Caden Financial Corporation in the amount of \$38,175.50 for the installation of the sidewalks at Crooked Bend Subdivision, Section 5A.
- 4) Release performance LOC #03-05 from Irwin Union Bank in the amount of \$38,175.50 for the installation of the sidewalks at Crooked Bend Subdivision, Section 5A.
- 5) Accept performance LOC #MSS-028-05 from Caden Financial Corporation in the amount of \$1,380.50 for the installation of the signs and monuments at Crooked Bend Subdivision, Section 5A.
- 6) Release performance LOC #02-05 from Irwin Union Bank in the amount of \$1,380.50 for the installation of the signs & monuments at Crooked Bend Subdivision, Section 5A.
- 7) Accept performance LOC #MSS-029-05 from Caden Financial Corporation in the amount of \$55,705.21 for the installation of the erosion control at Crooked Bend Subdivision, Section 5A.
- 8) Release performance LOC #24-04 from Irwin Union Bank in the amount of \$55,705.21 for the installation of the erosion control at Crooked Bend Subdivision, Section 5A.

Second by Mr. Beville. Vote: Ayes.

For Greenwood Springs, Block One, Mr. Peoni reported that the sanitary sewers have been inspected and approved, with a letter issued by the Sanitation Superintendent. Some minor revisions are needed on the as-builts. The amount and improvement are correct on the three-year maintenance bond, but the Law Department needs to review the form of the bond. Mr. Hoover then moved to:

- 1) Accept a three (3) year maintenance bond #104599033 from Travelers Casualty and Surety Company of America in the amount of \$23,869 for the sanitary sewers at Greenwood Springs, Block One.
- 2) Release performance bond #104452324 in the amount of \$119,345 from Travelers Casualty and Surety Company of America for the installation of the sanitary sewers at Greenwood Springs, Block One.
- 3) Accept a traffic signal easement for installation and maintenance of the new traffic signals at the main entrance to the future Wal-Mart and also at Wilson Drive, all contingent upon:

- a. Review and approval of the maintenance bond by the Law Department.
- b. Payment of any final Inspection & Testing fees, if applicable for the sanitary sewer.
- c. Payment of any final outside engineering review fees, if applicable.
- d. Receipt and review and approval of the sanitary sewer mylar as-builts (2 sets).
- e. Review and approval of the legal description and graphic exhibit by the Engineering Department for the traffic signal easement. Revisions were needed and have been made but not reviewed.
- f. Preparation and review and approval of the traffic signal easement by the Law Department and authorizing the Mayor to sign once approved.

Second by Mr. Beville. Tony Haslinger of Regency Centers was in the audience. The City Attorney noted that she needed the recording deed information for cross reference. Vote: Ayes.

Paul Maurer of Maurer Surveying came forward representing On The Border Restaurant to ask for acceptance of a performance bond, acceptance of the Inspection & Testing Agreement, and waiver for on-site stormwater detention. The amount and improvements shown on the performance bond are INCORRECT. The Law Department needs to review the form of the bond. Mr. Hoover moved to:

- 1) Accept performance bond #6346744 from Safeco Insurance Company of America in the amount of \$99,819 for the installation of the private dirtwork, storm sewer, erosion control, sanitary sewers, signs and monuments and public sidewalks along U.S. 31 at the On The Border Restaurant site.
- 2) Accept the Inspection & Testing Agreement for all improvements except sanitary sewers and ratify the acceptance of the 50% upfront fee.
- 3) Grant the request of a waiver for on-site stormwater detention. The drainage calculations have been reviewed and show that, since the hard surface area on the site will actually decrease once the new restaurant is built, the actual stormwater runoff from the site is being decreased. Numbers 1 and 2 above are contingent upon:
 - a. Receipt of a revised performance bond and review and approval of the revised performance bond by both the Engineering and Law departments.

Second by Mr. Beville. Vote: Ayes.

Code Enforcement Officer John Myers reported that the violation at 1246 Easy Street has been abated. Also, he made a final inspection of 3106 Kirkwood Court, now the property of Homecoming Financial Services, yesterday. They have contracted to have the trash at the abandoned property cleaned up today. At Mr. Myers' recommendation, Mr. Hoover moved to continue this until the next meeting, January 19th. Second by Mr. Beville. Vote: Ayes.

From the audience, Dorothy Crouch of 606 Gooseberry brought a complaint of standing water in her driveway. The water has been there for two weeks. Street repairs are underway in the area. Mr. Peoni indicated that the top surface coat is not on and right now the water is probably not getting to the curb line. He told Ms. Crouch that the City could look at the site. Ms. Crouch also mentioned a pipe that workers pulled out from under the driveway is sticking out about three or four inches away from her driveway. She has been told it is a gas line and will be fixed but is concerned. Mr. Peoni will also check on that.

On her Status of Tasks, Ms. Koons-Davis brought up a request to convey property located at 1040 N. Meridian Street that was not needed for the Meridian Street Reconstruction Project back to the owners. Charles Stroud, Mary Stroud and George Coseboon are tenant in common owners of the property. The City initially thought it would need right-of-way along that part of Meridian Street for the project, but construction plans were changed and it was not used. The Strouds and Coseboon were not paid for the right-of-way; it was donated in fee simple, although the City committed to the removal of two existing maple trees (to accommodate utility relocation) and their replacement at the City's expense by two white crabapple trees. The total acreage donated was .057 acres. The Strouds and Coseboon are interested in listing the property for sale and would like the acreage conveyed back to them since the City did not use it. This is permitted by I.C. 36-1-11-14 when no public funds have been expended to improve the property since the original transfer, if it is determined that the property is surplus and the donor is eligible to receive it (does not owe delinquent tax or costs attributable to a tax sale on a tract of real estate). Mr. Peoni told the Board that the trees have not been replaced yet but he has not received any complaints that we have not replaced the trees as of yet. Mr. Peoni does want to make sure that we do not need some of that right-of-way. It was the consensus of the Board to take the matter under advisement until the next meeting.

With no further business the meeting adjourned at 9:00 a.m.